



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 14.22

Subject: Child Abuse - Return to Home Custody

Supersedes: Policies RRS20;
RRS110; RRS111

Local Policy: No
Local Procedures: No
Training Required: No

Approved by:

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Revision date:

Application

To Department of Children's Services Commissioner, Regional Administrators, Child Protective Services Case Managers, Team Leaders, Team Coordinators Responsible For Children in State Custody Resulting From Abuse, DCS Regional General Counsel

Authority: TCA 37-5-106

Policy

Juvenile law mandates special review procedures for returning severely abused children to the custody or home of a person who engages in, or knowingly fails to protect children from brutality or abuse. Before the court allows these children to have unsupervised contact with the perpetrator, the juvenile court judge must receive and consider reports and recommendations prepared by the Commissioner of the Department of Children's Services (if there is a finding of severe abuse in the court), or the Regional Commissioner's designee (if there was no finding of severe abuse in the court order).

Procedures

A. Commissioner/ Regional designee's responsibility

The **Commissioner** of the Department of Children's Services must review the following cases:

1. **Adjudicated severe child abuse**. In these cases the juvenile court judge has made a specific finding of severe abuse, and the court order includes wording to that effect.
2. **Non-adjudicated severe abuse cases involving children age 5 and under**. These cases have been classified as "incident indicated." Severe child abuse did occur but the

judge did not state that finding in the court order.

B. Cases requiring review by Commissioner's regional designee

The **Commissioner's Regional Designee** (a person with a Master's degree in social work or an equivalent amount of training and experience) must review the following cases:

1. **Non-adjudicated severe abuse cases involving children age 6 and over.** These cases have been classified as "*incident indicated*." Severe child abuse did occur, but the judge did not state that finding in the court order.
3. **Adjudicated non-severe abuse cases** of children of any age. Review by the CART is required.
4. **All other non-adjudicated**, non-severe abuse cases involving children under age 5.
 - a) Children with a severe physical or mental handicap.
 - b) Caretakers with a severe physical and/or mental handicap, such as mental illness.
 - c) Child victims who have been abused multiple times.
 - d) Caretakers whose parental rights to another child have been terminated.

C. Preparing for Commissioner's review

1. What:

Prepare for the DCS Commissioner's review, or Commissioner's regional designee, of appropriate cases before returning the child to the unsupervised attention of a perpetrator.

2. When:

Before any unsupervised visits, extended visits, or return to custody in any adjudicated severe child abuse case; or in any indicated, non-adjudicated case of severe child abuse of a child age 5 or under as described in this Policy.

3. Who:

Home County Case Manager

a) **CART**

In cases of adjudicated severe child abuse, ensure that the county or district multi-disciplinary Child Abuse Review Team (CART) reviews the case. If a plan develops to return the child to a perpetrator, the CART review must have occurred within six weeks prior to the request for the Commissioner's review. Include the CART recommendation, including CART members' signatures, with the request for the Commissioner's review.

b) Memo

Prepare a memo requesting the review and summarizing case information. The case record must include current dictation, a recent *CPS Risk Assessment* form (CS-0770) and a copy of the proposed plan of action after the child's return.

c) Additional Documentation

Obtain and include additional documentation (mental health evaluation, supporting letters, other professional reports) with the case record. Attach these to the memo listed above.

d) Submitting Packet

Submit the packet to the team leader. The team leader reviews the packet and submits it, the recommendations, and case records to the Program Director of Child Protective Services in the DCS central office.

D. Outline for requesting Commissioner's review**1. Reason for review**

State briefly the reason for the review (e.g., unsupervised visitation between the perpetrator and child; returning the child to the home of the perpetrator).

2. Facts of the Case

List dates and content of all referrals (via form CS-0680, *Protective Services to Prevent Neglect, Abuse, or Exploitation of Children*) received on the family, i.e.:

- a) Give the date of custody and adjudication.
- b) What was the adjudication?
- c) Did the judge order specific treatment or services?
- d) State what DCS has done to fulfill these requirements.
- e) List any subsequent court reviews.
- f) Did the parents attend these reviews?
- g) List the outcomes of the proceedings.

3. Risk factors that present progress in reducing risk

- a) Carefully explain the risk factors that resulted in foster care placement.
- b) Provide the specific information documented during the investigation.

- c) Indicate if there has been a file review at the regional or state level and describe the purpose and results.
- d) Focus on the issues that are relevant to the abuse/neglect and outline the progress made in those areas.
- e) Evaluate the level of risk to the child and the reduction of risk factors in the home. This may include risk factors that may not have been present at the time of removing the child but that now present an increased risk of maltreatment.
- f) Describe the caretaker's progress in achieving desired outcomes, and measurement tools used.

4. Child's attitude

- a) While the child usually does not have the maturity to decide whether or not to return to the home, the child's attitude is an important factor to consider. If the child is resistant to returning to the home, explain how the case manager has worked with the child to identify the reasons for the resistance. Outline the amount of time given for the child to adjust to returning home.
- b) Provide the child's chronological and developmental age, which was a factor in deciding the appropriateness of the action. Outline whether or not the child has received counseling, self-protection skills, or assertiveness techniques that might negate the parents' lack of progress.

5. Family support

Provide information about any constructive relationships that either or both of the parents have developed that would create a more positive home environment (e.g., a new, successful marriage; a friend or relative, who previously was not present, but who has become a source of support).

6. Professional reports

- a) Describe any involvement that the child and/or the perpetrator has with mental health professionals and any mental health assessments/recommendations. If the assessment of the situation differs from the mental health professional's assessment, describe that difference.
- b) Gather any other professional reports and summarize them (e.g., parenting class instructors, homemakers, child development staff, public health nurses).
- c) Outline Child Abuse Review Team (CART) reviews if they have significantly changed after several reviews or if they have affected the recommendations.

7. Recommendations/summary

With the team leader, summarize all of the above sections and explain the recommendation. Include time frames, necessary support systems, and, if possible, progressive steps for reuniting the family (i.e., moving from unsupervised visits and extended visits to return of custody). Specify what actions or progress each step requires and how to evaluate that progress.

NOTE: If after sending the recommendations/summary to the state office, the status of the case changes, notify the state office staff immediately.

E. Scheduling court hearings

The Commissioner's reviews must be completed as soon as possible and a report will be returned to the Regional Administrator or designee. Court hearing dates should be scheduled upon receipt of the Commissioner's report.

Forms

CS-0680 Protective Services to Prevent Neglect, Abuse, or Exploitation of Children
CS-0770 Child Protective Services Risk Assessment

Collateral Documents

None

Standards

None